

EXHIBIT D

From: James Tsuei <jtsuei@raklaw.com>
Sent: Monday, October 30, 2023 6:58 PM
To: Jared Hartzman <hartzman@fr.com>
Cc: Mallory Ladd <Ladd@fr.com>; headwater@raklaw.com; [SERVICE FR] Samsung-Headwater <SERVICEFRSamsung-Headwater@fr.com>
Subject: Re: Headwater v. Samsung Case No. 2:22-cv-422: Notice of Subpoena to Testify to Greg Raleigh

Jared, your email misstates the record in this case and ignores the fact that Headwater has, rather than obstructing email discovery as your email alleges, in fact produced nearly 7,000 emails where Dr. Raleigh is a recipient or sender, virtually all of which are results of keywords that Samsung has asked Headwater to run. The pending dispute between the parties for Dr. Raleigh's custodial data is related to the overbroad "ItsOn" search term, which we follow separately about. Despite that that pending dispute, Headwater has plainly produced thousands of emails from Dr. Raleigh's and Headwater's custodial ESI which are results of the "ItsOn" search term, which you would should know if your team has reviewed the more than 8,000 emails Headwater has produced thus far.

Dr. Raleigh will be available to give his deposition, in person (not remotely), on November 15, at the offices of Russ August & Kabat in Los Angeles, starting at 9:00 a.m.

We note that your repeated demands for final logistical information weeks before a scheduled deposition is not well taken appears calculated solely to impose unnecessary costs on Headwater—unless, of course, it is Samsung's position that it needs many weeks of notice as to the finalized logistics of a individual witnesses. If that is the case, please state so in writing so that we may determine whether this is an issue appropriate to address with the Court.

Thanks,
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 James Tsuei
 Russ August & Kabat
 12424 Wilshire Boulevard, 12th Floor
 Los Angeles, CA 90025
 (310) 826-7474
jtsuei@raklaw.com

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On Oct 27, 2023, at 7:29 AM, Jared Hartzman <hartzman@fr.com> wrote:

James,

We still have not received a response to my below email.

As noted in Mr. Kodish's letter from October 27, 2023, Samsung issued a subpoena on August 14, 2023 to Dr. Raleigh—an individual identified by Headwater as having knowledge of the facts surrounding Headwater's claims—to provide testimony in his individual capacity on August 30, 2023. Over two weeks later (and one day after the noticed date), Headwater finally responded that it would "make Dr. Raleigh available for a deposition in both his individual and corporate capacity" which would occur "within four weeks after receipt of [Samsung's 30(b)(6)] notice." 8/31/2023 Email from Tsuei. Samsung would not allow Headwater to dictate Samsung's discovery and followed up on September 6, 2023, noting that it was willing to take Dr. Raleigh's deposition on October 5th, over a month after the noticed date. It was only after Samsung was forced to follow up again via email on September 13, 2023 that Headwater stated Dr. Raleigh would be unavailable until "the week of November 13," two and a half months after the originally-noticed date. 9/13/2023 Email from Tsuei. Samsung responded the next day, confirming that it would "move forward with his 30(b)(1) deposition on November 15, 2023." 9/14/2023 Email from Hartzman.

Since then, Headwater has continued to delay Dr. Raleigh's email production by refusing to negotiate search terms (see 10/25/2023 Email from Thompson) and refused to confirm either a starting time or even the location of Dr. Raleigh's scheduled deposition, informing Samsung only that Headwater could "tentatively confirm that Dr. Raleigh will be located in California." 9/26/2023 Email from Tsuei. Dr. Raleigh's November 15, 2023 deposition is now just over two weeks away. Having been noticed over two months ago, Headwater's apparent inability or refusal to confirm such basic logistical information is inexcusable.

Please immediately confirm the starting time and location of Dr. Raleigh's November 15, 2023 deposition so that Samsung can make the proper arrangements.

Regards,
 Jared

Jared Hartzman :: Principal :: Fish & Richardson P.C.
 202 626 7754 direct :: 845 323 7563 mobile :: hartzman@fr.com
fr.com :: [Bio](#) :: [LinkedIn](#) :: [Twitter](#)

From: Jared Hartzman <hartzman@fr.com>
Sent: Tuesday, October 24, 2023 1:09 PM
To: James Tsuei <jtsuei@raklaw.com>
Cc: Mallory Ladd <Ladd@fr.com>; headwater@raklaw.com; [SERVICE FR] Samsung-Headwater <SERVICEFRSamsung-Headwater@fr.com>
Subject: RE: Headwater v. Samsung Case No. 2:22-cv-422: Notice of Subpoena to Testify to Greg Raleigh

James,

It has been nearly a month and we still have not received the details about the time and location of Dr. Raleigh's 30(b)(1) deposition on November 15, 2023. Please provide this information by no later than Thursday, October 26th, so that we can make the necessary arrangements.

Regards,
 Jared

From: James Tsuei <jtsuei@raklaw.com>
Sent: Tuesday, September 26, 2023 5:13 PM
To: Jared Hartzman <hartzman@fr.com>
Cc: Mallory Ladd <Ladd@fr.com>; headwater@raklaw.com; [SERVICE FR] Samsung-Headwater <SERVICEFRSamsung-Headwater@fr.com>

Subject: Re: Headwater v. Samsung Case No. 2:22-cv-422: Notice of Subpoena to Testify to Greg Raleigh

Jared, we don't have final confirmation as to starting time and location of Dr. Raleigh's November 15 deposition, which is 7 weeks away. We will let you know particular details about location and start time as we get closer to November 15. We can tentatively confirm that Dr. Raleigh will be located in California and that the deposition will proceed on Pacific Time.

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James Tsuei
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
jtsuei@raklaw.com

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On Sep 26, 2023, at 4:40 AM, Jared Hartzman <hartzman@fr.com> wrote:

James,

Please advise as to the time and location of Dr. Raleigh's 30(b)(1) deposition on November 15, 2023.

Regards,
Jared

From: Jared Hartzman <hartzman@fr.com>
Sent: Thursday, September 14, 2023 5:01 PM
To: James Tsuei <jtsuei@raklaw.com>
Cc: Mallory Ladd <Ladd@fr.com>; headwater@raklaw.com; [SERVICE FR] Samsung-Headwater <SERVICEFRSamsung-Headwater@fr.com>
Subject: RE: Headwater v. Samsung Case No. 2:22-cv-422: Notice of Subpoena to Testify to Greg Raleigh

James,

Despite Headwater's unreasonableness in not making Dr. Raleigh available for deposition in his personal capacity until 3 months after the service of Samsung's subpoena, Samsung will move forward with his 30(b)(1) deposition on November 15, 2023.

Given your responsive email, Samsung understands that Headwater is no longer taking the position that its 30(b)(6) deposition will need to be taken at the same session, or on consecutive days, as Dr. Raleigh's personal deposition. Moreover, given Headwater's significant delay in making Dr. Raleigh available for deposition, Headwater should have no problem producing Dr. Raleigh's email on or before November 1, 2023. Please confirm these to be the case.

Absent such a confirmation, Samsung will understand that Headwater is no longer taking the position that Dr. Raleigh's deposition needs to take place on consecutive days with Headwater's 30(b)(6) deposition and that Headwater will make Dr. Raleigh's email available at least 14 days before his deposition. If Headwater, however, denies this confirmation, we will bring this matter before the Court.

Regards,
Jared

From: James Tsuei <jtsuei@raklaw.com>
Sent: Wednesday, September 13, 2023 1:06 PM
To: Jared Hartzman <hartzman@fr.com>
Cc: Mallory Ladd <Ladd@fr.com>; headwater@raklaw.com; [SERVICE FR] Samsung-Headwater <SERVICEFRSamsung-Headwater@fr.com>
Subject: Re: Headwater v. Samsung Case No. 2:22-cv-422: Notice of Subpoena to Testify to Greg Raleigh

Jared, we have checked Dr. Raleigh's schedule and he is not available to sit for a 30(b)(1) deposition on October 5. He has availability during the week of November 13 — let us know if that time frame works for Samsung. We do not plan to withhold email productions and will provide productions as they become available.

Thanks,
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James Tsuei
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
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jtsuei@raklaw.com

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On Sep 12, 2023, at 12:41 PM, Jared Hartzman <hartzman@fr.com> wrote:

James,

As we have not received a response to the below email, please confirm that Headwater will make Mr. Raleigh available for his 30(b)(1) on October 5 and that Headwater will produce Mr. Raleigh's email at least 7 days prior pursuant to my email of September 6 (attached).

Regards,
Jared

From: Jared Hartzman <hartzman@fr.com>
Sent: Wednesday, September 6, 2023 4:19 PM
To: James Tsuei <jtsuei@raklaw.com>; Mallory Ladd <Ladd@fr.com>
Cc: headwater@raklaw.com; [SERVICE FR] Samsung-Headwater <SERVICEFRSamsung-Headwater@fr.com>
Subject: RE: Headwater v. Samsung Case No. 2:22-cv-422: Notice of Subpoena to Testify to Greg Raleigh

James,

As discussed on our call last Friday, we do not agree with the approach you outline below, which is akin to Headwater dictating Samsung's discovery. We're not aware of authority supporting your position, especially given Mr. Raleigh's role in the present case. If you have such authority, please provide it immediately.

To that end, we plan to take Raleigh's 30(b)(1) deposition on October 5. If Headwater plans to not make Raleigh available, then Headwater can seek a protective order. Otherwise, we will proceed with Raleigh's 30(b)(1) deposition, pursuant to the Discovery Order, on October 5, 2023.

Regards,
Jared

From: James Tsuei <jtsuei@raklaw.com>
Sent: Thursday, August 31, 2023 3:45 PM
To: Mallory Ladd <Ladd@fr.com>
Cc: headwater@raklaw.com; [SERVICE FR] Samsung-Headwater <SERVICEFRSamsung-Headwater@fr.com>
Subject: Re: Headwater v. Samsung Case No. 2:22-cv-422: Notice of Subpoena to Testify to Greg Raleigh

[This email originated outside of F&R.]

Headwater will make Dr. Raleigh available for a deposition in both his individual and corporate capacity, which should occur in one deposition of no more than two days. Upon receiving Samsung's Rule 30(b)(6) notice to Headwater, we believe we will be able to schedule Dr. Raleigh's deposition within four weeks after receipt of that notice. Please let us know when we should be expecting Samsung's Rule 30(b)(6) notice.

Thanks,

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 12424 Wilshire Boulevard, 12th Floor
 Los Angeles, CA 90025
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On Aug 14, 2023, at 12:58 PM, Mallory Ladd <Ladd@fr.com> wrote:

Counsel:

Attached for service, please find *Defendants' Notice of Subpoena to Greg Raleigh*. It is our understanding from prior correspondence that you will accept service on their behalf.

Thanks,

Mallory M. Ladd :: Litigation Paralegal :: Fish & Richardson P.C.
 1180 Peachtree Street NE, 21st Floor, Atlanta, GA 30309
 Direct: 404 724 2770 :: Mobile: 678-372-6715 :: ladd@fr.com
fr.com

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*****<2023-08-14 Notice of Subpoena to Testify_Greg Raleigh.pdf><2023-08-14 Subp to Testify_Greg Raleigh.pdf>

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